

SUMMARY: This document announces a decision by the National Highway Traffic Safety Administration that certain model year (MY) 2014 Mercedes-Benz SLK Class passenger cars (PCs) that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S. certified version of the MY 2014 Mercedes-Benz SLK Class PC), and they are capable of being readily altered to conform to the standards.

DATES: This decision became effective on March 25, 2016.

ADDRESSES: For further information contact George Stevens, Office of Vehicle Safety Compliance, NHTSA (202-366-5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified as required under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable FMVSS.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies, LLC, of Baltimore, Maryland (JK) (Registered Importer# RI-90-006), petitioned NHTSA to decide whether MY 2014 Mercedes-Benz SLK Class PCs are eligible for importation into the United States. NHTSA published a notice of the petition on February 16, 2016 (81 FR 7889) to afford an opportunity for public comment. No

comments were received in response to this petition. The reader is referred to the receipt notice for a thorough description of the petition.

NHTSA'S Conclusions

NHTSA has reviewed the petition and has concluded that the vehicles covered by the petition are substantially similar to MY 2014 Mercedes-Benz SLK Class PC's and are capable of being readily altered to comply with all applicable FMVSS.

NHTSA has also determined that any RI who imports or modifies one of these vehicles must include in the statement of conformity and associated documents (referred to as a "conformity package") it submits to NHTSA under 49 CFR 592.6(d) additional specific proof to confirm that the vehicle was manufactured to conform to, or was successfully altered to conform to, FMVSS No. 101, *Controls and Displays*, FMVSS No. 138, *Tire Pressure Monitoring Systems*, FMVSS No. 208 *Occupant Crash Protection* and FMVSS No. 301 *Fuel System Integrity*. This proof must include detailed descriptions of all modifications made to achieve conformity with those standards, including a detailed description of systems in place (if any) on the vehicle at the time it was delivered to the RI and a similarly detailed description of the systems in place after the vehicle is altered, including photographs of all required labeling. The description must also include parts assembly diagrams and associated part numbers for all components that were removed from or installed on the vehicle, a description of how any computer programming changes were completed, and a description of how compliance was verified after alterations were completed. Photographs (*e.g.*, monitor print screen captures) or report printouts, as practicable, must be submitted as proof that any computer reprogramming was carried out successfully.

In addition to the information specified above, each conformity package must also include evidence showing how the RI verified that the changes it made in loading or reprogramming vehicle software to achieve conformity with each separate FMVSS, did not also cause the vehicle to fall out of compliance with any other applicable FMVSS.

Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that MY 2014 Mercedes-Benz SLK Class passenger cars that were not originally

manufactured to comply with all applicable FMVSS, are substantially similar to MY 2014 Mercedes-Benz SLK Class passenger cars manufactured for importation into and/or sale in the United States, and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal Motor Vehicle Safety Standards.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS-7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP-581 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2014-0045; Notice 2]

General Motors, LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: General Motors, LLC, (GM) has determined that certain model year (MY) 2014 GMC Sierra Denali vehicles do not fully comply with paragraph S3.1.4 of Federal Motor Vehicle Safety Standard (FMVSS) No. 102, *Transmission shift position sequence, starter interlock, and transmission braking effect*. GM filed a report dated January 31, 2014 pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. GM then petitioned NHTSA under 49 CFR part 556 requesting a decision that the subject noncompliance is inconsequential to motor vehicle safety.

ADDRESSES: For further information on this decision contact John Finneran, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration (NHTSA), telephone

(202) 366-5289, facsimile (202) 366-5930.

SUPPLEMENTARY INFORMATION:

I. *GM's Petition*: Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, GM submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of GM's petition was published, with a 30-Day public comment period, on May 22, 2014 in the **Federal Register** (79 FR 29501). One comment was received from the Advocates for Highway and Auto Safety. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2014-0045."

II. *Vehicles Involved*: Affected are approximately 2,747 MY 2014 GMC Sierra Denali vehicles equipped with RPO code "UHS" instrument cluster displays that were manufactured between July 16, 2013 and January 22, 2014.

III. *Noncompliance*: GM explains that in certain circumstances the subject vehicles may experience a condition where the instrument cluster resets, and the analog gauges and the PRNDM indicators turn off momentarily to ensure the integrity of the information being displayed by electronic devices. Since all vehicles sold in the U.S. must display the shift positions, including the positions in relation to each other and the position selected whenever the ignition is in a position where the transmission can be shifted; or the transmission is not in park, these vehicles fail to fully meet the requirements set forth in paragraph S3.1.4 of FMVSS No. 102.

IV. *Rule Text*: Paragraph S3.1.4 of FMVSS No. 102 requires in pertinent part:

S3.1.4 Identification of shift positions and of shift position sequence . . .

S3.1.4.1 Expect as specified in S3.1.4.3, if the transmission shift position sequence includes a park position, identification of shift positions, including the positions in relation to each other and the position selected, shall be displayed in view of the driver whenever any of the following conditions exist:

(a) The ignition is in a position where the transmission can be shifted; or

(b) The transmission is not in park . . .

S3.1.4.3 Such information need not be displayed when the ignition is in a position that is used only to start the vehicle . . .

V. *Summary of GM's Analyses*: GM stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. GM believes that the condition is extremely unlikely to occur. For the condition to occur, the instrument cluster design input rate must be exceeded. This can only happen under extreme load conditions. For example, GM was able to create the condition in the laboratory by simultaneously inputting a series of warnings into the cluster during an active search of a media device connected to the vehicle while a Bluetooth® connected phone call is received by the vehicle.

2. GM states that any disruption of the PRNDM display as a result of this condition is very brief. In the unlikely event the condition were to occur and the instrument cluster resets, the PRNDM display would be restored within 1.3 seconds. This momentary reset would be a clear indication to the driver that service may be required.

3. GM also believes that the condition has little effect on the normal operation of the vehicle. While the operation of the instrument panel is briefly affected by the underlying condition, none of the other vehicle operations are affected.

4. GM states that the condition is extremely remote and not likely to occur during shifting. Considering the unusual combination of pre-conditions for the condition to occur, it is very unlikely the brief disruption of the PRNDM display would occur when it is needed, *i.e.*, during shifting. Most shifting occurs shortly after the vehicle is started, or just prior to being turned off. In the rare instance of a cluster reset, it would be more likely to occur during driving, not immediately after starting the vehicle or just prior to the driver exiting the vehicle.

5. GM is not aware of any reported instrument cluster resets as a result of the subject noncompliance.

6. GM also expressed its belief that for previous noncompliances that GM believes were similar, NHTSA granted petitions for inconsequential noncompliance.

GM has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 102.

In summation, GM believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt GM from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as

required by 49 U.S.C. 30120 should be granted.

NHTSA'S Decision

NHTSA'S Analysis: GM explains that because they could only duplicate the subject condition with a series of unlikely simultaneous inputs, they believe that the subject noncompliance is not likely to occur. As an example, if all of the following conditions were to occur simultaneously the subject condition may occur causing an instrument cluster reset: A navigation route is active; three cluster warnings are initiated simultaneously; there is an incoming Bluetooth® connected phone call that triggers a Driver Information Center message; and a passenger actively searches a media device that provides more data than a typical radio display (*e.g.*, XM radio, or a paired media device). If all the above were to occur at precisely the same instant (within a millisecond) according to the GM, a cluster reset may be triggered. NHTSA agrees with GM that the possibility of this condition occurring is improbable because multiple specific actions must be taken by the driver and/or passenger simultaneously.

GM states that the disruption of the PRNDM as a result of this condition is very brief and in the unlikely event the condition were to occur and the instrument cluster resets, the PRNDM display would be restored within 1.3 seconds. GM also noted that while the operation of the instrument panel would be briefly affected by the underlying condition, no other vehicle operations are affected.

After receipt of GM's petition, NHTSA requested more information regarding the subject noncompliance. GM submitted videos showing that when the condition occurs any existing warning lights extinguish, the indicators (gauges) drop to zero, and operation of the entire instrument panel is interrupted. Specifically, any illuminated telltales extinguish for approximately 1.3 seconds before a bulb check that lasts approximately five seconds is initiated. At the conclusion of the bulb check any previously illuminated telltales will illuminate and remain illuminated.

NHTSA agrees with GM that if the instrument panel reset were to happen it would only be a momentary condition, the instrument panel telltales and indicators would extinguish and return to normal very quickly, with little, if any, impact to the driver.

GM mentioned two previous petitions that the agency granted due to the loss or failure of telltale indications. In the first petition, *General Motors Corp.; Grant of Petition for Determination of*

Inconsequential Noncompliance, 56 FR 33323 (July 19, 1991), the noncompliance would only manifest itself when the headlight high beams were turned on and the cigar lighter was activated. In this situation the required high beam telltale could dim or extinguish altogether for a short period of time while the cigar lighter was being powered. The petition was granted because the agency determined there was no consequence to motor vehicle safety attached to the extinguishment of the high beam telltale.

In the second petition, submitted by Nissan, *Nissan North America, Incorporated, Grant of Petition for Decision of Inconsequential Noncompliance*, 78 FR 59090 (Sept. 25, 2013), under rare circumstances the transmission gear selected was not always displayed correctly as required. The petition was granted because it was only possible for the gear indication to extinguish when the engine was inactive and the vehicle was inoperable. Upon reactivating the engine the gear indicator displayed the correct gear.

Advocates for Highway and Auto Safety (Advocates), provided comments about GM's petition in response to the petition receipt notice published in the **Federal Register**. The Advocates do not specifically support the granting or denial of GM's petition, but believe that the existence of such a malfunction raises serious questions regarding vehicle design which can lead to this kind of situation.

Finally, GM states that they are not aware of any reported instrument cluster resets as a result of the subject condition. *NHTSA'S Decision*: In consideration of the foregoing, NHTSA finds that GM has met its burden of persuasion that the FMVSS No. 102 noncompliance in the affected vehicles is inconsequential to motor vehicle safety. Accordingly, GM's petition is hereby granted and GM is consequently exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject noncompliant vehicles that GM no longer controlled at the time it determined that the noncompliance

existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after GM notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120; Delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,
Director, Office of Vehicle Safety Compliance.
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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2014-0056; Notice 2]

Chrysler Group LLC, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Chrysler Group LLC (Chrysler)¹ has determined that certain model year (MY) 2013 and 2014 Fiat brand, 500e model, passenger cars do not fully comply with paragraph S5.4.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 101, *Controls and Displays*. Chrysler has filed an appropriate report dated April 1, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. Chrysler then petitioned NHTSA under 49 CFR part 556 requesting a decision that the subject noncompliance is inconsequential to motor vehicle safety.

ADDRESSES: For further information on this decision contact John Finneran, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration (NHTSA), telephone (202) 366-5289, facsimile (202) 366-5930.

SUPPLEMENTARY INFORMATION:

I. Chrysler's Petition

Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556), Chrysler has petitioned for an exemption from the notification and remedy requirements of 49 U.S.C.

¹ Chrysler is a wholly owned subsidiary of the automaker Fiat S.p.A.

Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of Chrysler's petition was published, with a 30-Day public comment period, on June 19, 2014 in the **Federal Register** (79 FR 35227). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: <http://www.regulations.gov/>. Then follow the online search instructions to locate docket number "NHTSA-2014-0056."

II. Vehicles Involved

Affected are approximately 3,447 MY 2013 and 2014 Fiat brand, 500e model, passenger cars manufactured between March 21, 2013 and February 11, 2014 at Chrysler's Toluca Assembly Plant.

III. Noncompliance

Chrysler explains that the noncompliance is that the low tire pressure indicator telltale installed on the subject vehicles is orange in color rather than yellow as required by paragraph S5.4.1 of FMVSS No. 101.

IV. Rule Text

Paragraph S5.4 of FMVSS No. 101 requires in pertinent part:

S5.4 Color
S5.4.1 The light of each telltale listed in Table 1 must be of the color specified for that telltale in column 6 of that table.

V. Summary of Chrysler's Analyses

Chrysler stated that in the FMVSS No. 138 Final Rule (**Federal Register** Volume 70, Number 67 (April 8, 2005)) NHTSA indicated that the intent of a TPMS warning telltale is to notify the operator of safety consequences that do not constitute an emergency requiring immediate service. While the affected vehicles may display an orange TPMS telltale, Chrysler's position is the operator notification conveys the appropriate message to the operator when there is either significant tire under-inflation or a TPMS malfunction.

Chrysler's reasoning in support of the position is as follows:

- For the subject vehicles, if the TPMS telltale is illuminated and the operator does not understand its meaning, the TPMS telltale graphic is shown and described in the *Introduction, Instrument Cluster Descriptions, and Starting and Operating* sections of the vehicle owner's manual. An operator can easily refer to the owner's manual and determine the TPMS telltale relates to significant tire under-inflation or a TPMS malfunction. The owner's manual